

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Alain LeBrun et al.

Examiner: Bernhardt, Emily

Art Unit: 1624

Application No.: **10/764,653**

Filed: **01/26/2004**

Title: **N-ARYL-HETEROAROMATIC
PRODUCTS, COMPOSITIONS
CONTAINING THEM AND USE
THEREOF**

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop TC1600
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

The Office Action mailed March 9, 2006, in the above-identified application, set a one-month period for response expiring April 9, 2006. The period for response is extended five months to September 11, 2006, pursuant to the accompanying Petition for Extension of Time under 37 C.F.R. 1.136(a). This response is therefore timely filed.

Claims 1-21 are pending in the application.

Restriction under 35 U.S.C. § 121 is required as follows:

- Group I: Claims 1-16, drawn to compounds and compositions where G = piperazines and X = N, classified in class 544, subclasses such as 371 and others based on the exact nature of additional variables which include heterocyclic rings; class 514 subclass 254.05, etc.
- Group II: Claims 1-13 and 16, drawn to compounds and compositions where G = piperazines and X = C, classified in class 544, subclass 372, etc.; class 514, subclass 254.01, etc.
- Group III: Claims 1, 2 and 4-12, drawn to compounds and compositions where G = tetrahydropyridines and X = N, classified in class 546, subclasses such as 275.4, 275.7; class 514, subclass 341, etc.
- Group IV: Claims 1, 2 and 4-12, drawn to compounds and compositions where G = tetrahydropyridines and X = C, classified in class 546, subclasses such as 343, etc. class 514 subclass 343, etc.

Group V: Claims 1, 2 and 4-12, drawn to compounds and compositions where G = piperidines and X = N, classified in class 546, subclasses such as 211; class 514 subclass 326, etc.

Group VI: Claims 1, 2 and 4-12, drawn to compounds and compositions where G = tetrahydropyridines and X = C, classified in class 546, subclasses such as 208; class 514 subclass 326, etc.

The restriction requirement is respectfully traversed and reconsideration thereof is requested. The compounds of Examiner's Groups I and II are variants of an n-heteroaromatic core molecule as indicated in the specification by Formula I. It is submitted that Examiner's Groups I-VI represent different aspects of a single inventive concept; therefore all of the Groups should be examined together. Furthermore, Groups I-VI would only require searching two classes, class 544 and class 546; and this should not be an undue burden on the examination process.

Nonetheless, in order that this response be complete, Applicants hereby elect Examiner's Group I, and within that Group, the compound: [4-(3-chlorophenyl)piperazin-1-yl](5-methyl-2-phenyl-2H-pyrazol-3-yl)methanone. This is the compound of Example 1 of the specification. This species is read upon by Claims 1-14 and 16 of Group I.

Reconsideration of the restriction requirement and action on the merits are requested.

Upon allowance of the above-elected subject matter, the claims will be amended to reflect such election. Applicants reserve the right to pursue the remaining non-elected subject matter in one or more timely filed divisional applications.

Respectfully submitted,



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